

and qualifying entities during the conduct of special events in accordance with the authority in DoD Directive (DoDD) 5111.1 (see <http://www.dtic.mil/whs/directives/corres/pdf/511101p.pdf>) and the Deputy Secretary of Defense Memorandum, “Delegations of Authority,” November 30, 2006 (available by written request to Deputy Secretary of Defense, 1010 Defense Pentagon, Washington, DC 20301-1010). This support will be referred to as “support of special events.”

(b) Implements provisions of DoDD 5111.1; the Deputy Secretary of Defense Memorandum, “Delegations of Authority,” November 30, 2006; title 2, United States Code (U.S.C.), sections 1966 and 1970; title 10, U.S.C., sections 372-374, 377, 2012, 2553-2555, and 2564; title 18, U.S.C. sections 1385 and 3056; title 31, U.S.C., sections 1535-1536; title 32, U.S.C., sections 502 and 508; Public Law 94-524; Section 5802 of Public Law 104-208, as amended; and title 32, Code of Federal Regulations (CFR) part 185, addressing matters pertaining to Defense Support of Civil Authorities (DSCA) for special events, including support for qualifying entities.

§ 183.2 Applicability and scope.

(a) Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff (CJCS) and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, National Guard personnel providing support of special events in title 32, U.S.C., status, and all other organizational entities in DoD (hereinafter referred to collectively as the “DoD Components”).

(b) Does not apply to installation commanders or Heads of DoD Components providing localized support to a special event solely under the auspices of community relations, public outreach, or recruitment efforts pursuant to DoDD 5410.18 (see <http://www.dtic.mil/whs/directives/corres/pdf/541018p.pdf>) and DoD Instruction (DoDI) 5410.19 (see <http://www.dtic.mil/whs/directives/corres/pdf/541019p.pdf>) or other similar authority.

§ 183.3 Definitions.

Unless otherwise noted, these terms and definitions are for the purpose of this part only.

Civil Authorities. Defined in Joint Publication 1-02 (see http://www.dtic.mil/doctrine/new_pubs/jp1_02.pdf.)

Integrated Federal Support Overview (IFSO). A collaborative effort of the Special Events Working Group. The purpose of the IFSO is to inform the Secretary of Homeland Security and other appropriate senior Federal officials, including the Federal coordinator for the special event, of all the Federal activities and support in preparation for and execution of a special event. The IFSO facilitates the Federal coordinator’s ability to lead a unified coordination group initially in case of an incident to support the Secretary of Homeland Security’s incident management responsibilities. It also educates Federal interagency partners on Federal resources committed to the special event.

National Special Security Event (NSSE). An event of national significance as determined by the Secretary of Homeland Security. These national or international events, occurrences, contests, activities, or meetings, which, by virtue of their profile or status, represent a significant target, and therefore warrant additional preparation, planning, and mitigation efforts. The USSS, FBI, and FEMA are the Federal agencies with lead responsibilities for NSSEs; other Federal agencies, including DoD, may provide support to the NSSE if authorized by law.

NSSE Executive Steering Committee. Established when the Secretary of Homeland Security designates a specific event to be an NSSE. The group, led by the USSS, comprises Federal, State, and local public safety and security officials whose primary responsibility is to coordinate and develop a specific security plan for the designated NSSE.

Qualifying entity. A non-governmental organization to which the Department of Defense may provide assistance by virtue of statute, regulation, policy, or other approval by the Secretary of Defense or his or her authorized designee.

Special event. An international or domestic event, contest, activity, or

meeting, which by its very nature, or by specific statutory or regulatory authority, may warrant security, safety, and other logistical support or assistance from the Department of Defense. Event status is not determined by the Department of Defense, and support may be requested by either civil authorities or non-governmental entities. Support provided may be reimbursable.

Special Event Working Group. A single forum designed to ensure comprehensive and coordinated Federal inter-agency awareness of, and appropriate support to, special events. The Special Event Working Group is co-chaired by representatives from DHS (including the USSS and FEMA) and the FBI, and comprises representatives from more than 40 Federal departments and agencies, including the Department of Defense, the Departments of Homeland Security, Justice, State, Energy, Labor, Health and Human Services, and Commerce, the Office of the Director of National Intelligence, and the Environmental Protection Agency. The Department of Defense representative on the Special Event Working Group is designated by the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs (ASD(HD&ASA)).

§ 183.4 Policy.

It is DoD policy that:

(a) DoD capabilities may be used to provide support for international and domestic special events as authorized by law and DoD policy. DoD resources in support of special events may be provided only after the resources of all other relevant governmental and non-governmental entities are determined not to be available, unless there is a statutory exception or the Department of Defense is the only source of specialized capabilities. DoD support should not be provided if use of commercial enterprises would be more appropriate.

(b) DoD Components shall provide support to civil authorities or qualifying entities for special events only as authorized in this part.

(c) The Department of Defense may support such events with personnel, equipment, and services in accordance with applicable laws, regulations, and interagency agreements. Most support

shall be provided on a non-interference basis, with careful consideration given to effects on readiness and current operations. Support for National Special Security Events (NSSEs) shall be in accordance with National Security Presidential Directive-46/Homeland Security Presidential Directive-15, Annex II.

(d) DoD security and safety-related support for an event shall have priority over logistics assistance. However, logistics assistance may be provided if deemed appropriate and necessary, consistent with applicable statutes and policy guidance.

(e) Funding for special events is subject to the following:

(1) The Department of Defense may receive separate funding or authority to provide support to specific special events.

(2) Support of special events for which the Department of Defense does not receive appropriations or for which DoD funds are not available for such support must be approved by the Secretary of Defense and must be provided on a reimbursable basis in accordance with title 10, U.S.C., sections 377, 2553–2555, and 2564; title 31, U.S.C., sections 1535–1536; or other applicable statutes.

(3) Reimbursement for DoD support provided to civilian law enforcement agencies during special events is required, in accordance with title 10 U.S.C. 377, unless the Secretary of Defense elects to waive reimbursement after determining that the support:

(i) Is provided in the normal course of military training or operations; or

(ii) Results in a benefit to the personnel providing the support that is substantially equivalent to that which would otherwise be obtained from military operations or training.

(4) The DoD will provide support to NSSEs in accordance with HSPD 15/NSPD 46, as authorized by law and policy.

(5) Security and safety of special events are responsibilities shared by Federal, State, and local authorities. If Federal funds will be provided to State or local authorities to offset the costs of enhanced security and public safety for special events and if State or local officials request the employment of National Guard personnel in a Federal pay status, States shall be encouraged